

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST, et al.

Plaintiffs,

-vs-

CITY OF BUFFALO, et al.

Defendants.

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**FIRST SUPPLEMENTAL**  
**RESPONSES TO PLAINTIFFS' FIRST**  
**SET OF REQUESTS FOR PRODUCTION**  
**TO DEFENDANT CITY OF BUFFALO, N.Y.**

Civil Action No.: 18-cv-719

Defendant, CITY OF BUFFALO ("City") offer the following in response to "PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT CITY OF BUFFALO, N.Y." based on information available as of the date prescribed herein.

**GENERAL OBJECTIONS**

1. The City responds to each and every document request subject to the general objections set forth herein. These objections form a part of the response to each and every document request and are set forth herein to avoid duplication by restating them for each document request. These general objections may be specifically referred to in response to a certain document request for the purpose of clarity. However, the failure specifically to refer to a general objection is not and shall not be construed to be a waiver of any general objection, even if other general objections are specifically stated in response to a document request.

2. The City objects to each of the requests to the extent that they seek information and documents that they seek materials prepared in anticipation of litigation

or are subject to the attorney-client privilege, attorney work product doctrine, deliberative process privilege, law enforcement privilege, prosecutorial privilege, or any other applicable privilege, including but not limited to those set forth by statutes such as the New York State Civil Rights Law §§50-a and 50-b, New York Public Officers Law §86, the New York Social Services Law, the Health Insurance Portability And Accountability Act (HIPAA), and 18 NYCRR §357.1.

3. The City objects to each of the requests to the extent that they seek to impose upon Defendants any obligation beyond those imposed by the Federal Rules of Civil Procedure. The City objects to each of the requests and to the preliminary statement, definitions, and instructions that accompany them, to the extent that they are not consistent with the Federal Rules of Civil Procedure and/or the Local Rules of Civil Procedure and/or attempt to impose requirements greater than those imposed by each or all of those rules. The City object to these requests to the extent that they seek to impose an obligation upon the defendant to collect an obtain information from any person or entity that is not a party to this action.

4. The City objects to each of the document requests to the extent they are vague, ambiguous, overbroad, unduly burdensome, oppressive, unlimited in time, scope or subject, and call for unbounded discovery.

5. The City objects to each of the document requests to the extent that they are not reasonably calculated to lead to the discovery of admissible evidence or seek information material and necessary to the prosecution or defense of this action.

6. The City objects to each of the document requests to the extent that they seek information not in the possession of the Defendants or their agents/employees.

7. The City reserves the right to challenge the competency, relevance, materiality and admissibility of, and to object on any grounds to, the use of the information and/or documents provided hereby in any proceeding or trial of this or any other action.

8. The City objects to the document requests insofar as they state or imply contested facts, circumstances, legal conclusions, issues, events or circumstances. The City's responses to these document requests shall not constitute any admission of any fact, event, circumstance, issue, or legal conclusion.

9. The City objects to any requests for original evidence, records, documents, and things; the City will not release original evidence or things to any party for discovery purposes but will provide a reasonable opportunity for appropriate viewing in the presence of all parties.

10. The City expressly reserves the right to amend and supplement the following responses and document requests with respect to additional information, material, and documents supplied or obtained in the course of discovery herein.

11. The City objects to these requests to the extent that they do not describe the documents sought with reasonable particularity.

12. The City objects to these interrogatories to the extent that they seek information which is proprietary in nature.

**RESPONSES TO DOCUMENT REQUESTS**

**REQUEST NO. 1:** All Documents and Communications relating to the creation of the Strike Force, including but not limited to the reasons for or purposes of the Strike Force's creation, without limitation to time period.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000940 and COB003907-COB003908, on the enclosed compact disk, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 2:** All Documents and Communications relating to the purpose, mandate, goal, function, or mission of the Strike Force, without limitation to time period.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000969, COB000985-COB001347;

COBCOB001613-COB001636, COB001962-COB003602, and COB003907-COB003908, on the enclosed compact disk, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 3: All Documents and Communications relating to the creation of the Housing Unit, including but not limited to the reasons for or purposes of the Housing Unit's creation, without limitation to time period.**

**OBJECTION:** The City object to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000940, COB003842-COB003850, and COB003904-COB003905, on the enclosed compact disk, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 4: All Documents and Communications relating to the purpose, mandate, goal, function, or mission of the Housing Unit, without limitation to time period.**

**OBJECTION:** The City object to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000969, COB001551-COB001613, COB001637-COB001941, COB003842-COB003850, and COB003904-COB003905, on the enclosed compact disk, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 5:** All Documents and Communications relating to the creation of the Buffalo Traffic Violation Agency (BTVA) without limitation to time period, including but not limited to the reasons for or purposes of the BTVA's creation.

**OBJECTION:** The City object to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003877-COB003903 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 6:** All Documents and Communications relating to the purpose, mandate, goal, function, or mission of the BTVA, including but not limited to BTVA annual reports, without limitation to time period.

**OBJECTION:** The City object to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and

seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003877-COB003903 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 7: All Documents and Communications relating to the BPD's decision to establish or conduct Checkpoints, without limitation to time period.**

**OBJECTION:** The City object to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000985-COB001347 and COB001962-COB3602 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 8: All Documents and Communications relating to the BPD's decision to end the Strike Force.**

**OBJECTION:** The City object to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and

seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003906 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 9: All Documents and Communications consulted or reviewed by the BPD in order to determine the physical location of each Checkpoint or group of Checkpoints, including any Documents and Communications referring or relating to strategy or other considerations in determining Checkpoint location.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000985-COB001347 and COB001962-COB3602 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 10: All BPD Housing Unit Monthly and Weekly Statistics Reports.**



**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, and/or subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB001551-COB001612 and COB001637-COB001941 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 11: All BPD Housing Unit Daily Reports, including but not limited to Daily Statistical Reports.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, and/or subject to other confidentiality concerns.

**REQUEST NO. 12: All BPD Strike Force Monthly and Weekly Statistics Reports.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement

privilege, and which may be sealed, part of an ongoing investigations, sealed, and/or subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, at this time, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 13: All BPD Strike Force Unit Daily Reports.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, and/or subject to other confidentiality concerns.

**REQUEST NO. 14: All BPD Division of Traffic Enforcement Monthly and Weekly Statistics Reports.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, and/or subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, at this time, the City is not aware of any responsive documents at this time.

**REQUEST NO. 15: All BPD Division of Traffic Enforcement Daily Reports.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, and/or subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, at this time, the City is not aware of any responsive documents at this time.

**REQUEST NO. 16: All Documents and Communications containing statistical, demographic, or other information regarding the operation of Checkpoints by any part of the BPD, to the extent not already responsive to Requests 10 through 15.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, at this time, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 17: All completed BPD Roadblock Directives.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB001962-COB3602 on the enclosed compact disk and will supplement this request if and when additional documents are located.

**REQUEST NO. 18: All completed Traffic Safety Checkpoint Tally Sheets.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB001962-COB3602 on the enclosed compact disk and will supplement this request if and when additional documents are located.

**REQUEST NO. 19: All other completed directives, tally sheets, and/or similar Documents and Communications discussing the date, time, location, and/or results of**

**Checkpoints carried out by the BPD, to the extent not already responsive to Requests 17 and 18.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000985-COB001347 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 20: For each officer assigned to the Housing Unit, all activity reports and other Documents and Communications completed by Housing Unit Officers to record their enforcement activity (tickets, arrests, traffic stops) on a daily, weekly, monthly, quarterly, and annual basis.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**REQUEST NO. 21:** For each officer assigned to the Strike Force, all activity reports and other Documents and Communications completed by Strike Force Officers to document their enforcement activity (tickets, arrests, traffic stops) on a daily, weekly, monthly, quarterly, and annual basis.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**REQUEST NO. 22:** All Documents and Communications concerning the procedures, information, and criteria used to evaluate the performance of Housing Unit and Strike Force officers.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000969, COB003842-COB003876, COB003904-COB003905, and COB003907-COB003908, on the enclosed compact disk, and

will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 23:** For each officer assigned to the Housing Unit and/or Strike Force, copies of all monthly, quarterly and annual performance evaluations of that officer conducted while he or she was assigned to the Housing Unit and/or Strike Force.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, at this time, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 24:** Electronic or computerized data compilations sufficient to show for each Checkpoint conducted by the BPD:

- a. The number of license plates checked, by an automated license plate reader or otherwise, at the Checkpoint;
- b. The unit or division within BPD that conducted the Checkpoint;
- c. The date, time, duration and Location of the Checkpoint;

- d. The number of Persons selected for a secondary stop at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each such Person;
- e. The number of Persons who received a Traffic Ticket at the Checkpoint, the number of tickets each such Person received, and the race, ethnicity, national origin, and any other demographic data recorded for each such Person;
- f. The number of firearms confiscated at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each such Person;
- g. The number of Persons arrested for a traffic misdemeanor at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each such Person;
- h. The number of Persons arrested for a non-traffic misdemeanor at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each such Person;
- i. The number of Persons arrested for a felony at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each such Person;
- j. The number of vehicles towed following a stop at the Checkpoint, the reason for towing the vehicle, and the race,



ethnicity, national origin, and any other demographic data recorded for the driver of each such vehicle;

- k. The number of vehicles impounded following a stop at the Checkpoint, the reason for impoundment, and the race, ethnicity, national origin, and any other demographic data recorded for the driver of each such vehicle;
- l. The number of vehicles released from impound following a stop at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each Person whose vehicle was released following a stop at the Checkpoint; and
- m. The number of vehicles auctioned following a stop at the Checkpoint and the race, ethnicity, national origin, and any other demographic data recorded for each Person whose vehicle was auctioned following a stop at the Checkpoint.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections, the City is not aware of any “electronic or computerized data compilations” responsive to this request.

**REQUEST NO. 25: Electronic or computerized data compilations sufficient to show for each and every Traffic Ticket issued and/or traffic-related arrest:**

- a. The identity of the person(s) stopped, ticketed or arrested (names may be anonymized but stops, tickets, and arrests must be traceable at the individual level);
- b. The identity of the officer issuing the ticket or arrest (Name, Unit, and Badge Number);
- c. The date, time, and Location of the stop giving rise to the ticket or arrest;
- d. Whether the stop occurred at a Checkpoint;
- e. The race of the person(s) stopped, ticketed, or arrested;
- f. The gender of the person(s) stopped, ticketed, or arrested;
- g. The age of the person(s) stopped, ticketed, or arrested;
- h. All VTL and/or City of Buffalo Municipal Code violations for which the person was ticketed and/or arrested;
- i. All misdemeanor, traffic misdemeanor, and felony arrests made as a result of the stop, including the specific provision(s) forming the basis for the arrest;
- j. All weapons seized as a result of the stop, including the nature of the weapon;
- k. The total amount of cash seized as a result of the stop;

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**RESPONSE:** Without waiving any general or specific objections, the City is not aware of any “electronic or computerized data compilations” responsive to this request.

**REQUEST NO. 26: Copies of all Traffic Tickets issued by the BPD.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information which may be sealed and/or subject to confidentiality or other privacy concerns.

**REQUEST NO. 27: All Documents and Communications relating to any reports, notes, memoranda, files, data sets, databases, or other paper or electronic mechanisms used by You to record, transmit, maintain, tabulate, aggregate, analyze, and/or review information relating to any Checkpoint conducted by the BPD.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege and/or the law enforcement privilege, or which is proprietary in nature.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000985-COB001347 and COB0001962-COB003602 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 28: All Documents and Communications relating to any reports, notes, memoranda, files, data sets, databases, or other paper or electronic mechanisms used by You to record, transmit, maintain, tabulate, aggregate, analyze, and/or review information relating to Traffic Tickets issued and/or misdemeanor and/or felony traffic arrests made by BPD officers.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**REQUEST NO. 29: All Documents and Communications showing the dates, times, offense categories and Locations of all reported crimes in the City of Buffalo.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**REQUEST NO. 30: All Documents and Communications showing the dates, times and Locations of all traffic accidents that occurred in the City of Buffalo.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, and which may be sealed, part of an ongoing investigations, sealed, subject to other confidentiality concerns.

**REQUEST NO. 31: All Documents and Communications relating to the time individuals waited during Checkpoints (“wait times”), average wait times, and/or or other measures of individual or aggregate waiting times, for Persons driving through a Checkpoint established by the Strike Force or Housing Unit.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 32: All Documents and Communications relating to the average wait times, or other measures of individual or aggregate waiting times, for Persons**

**pulled over for a secondary stop at a Checkpoint established by the Strike Force or Housing Unit.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 33: All Documents and Communications relating to BPD's use of computer software and/or technology to issue traffic tickets.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege and/or the law enforcement privilege, or which is proprietary in nature.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003603-COB003638 and COB0004327-COB004336 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 34: All Documents and Communications relating to the academic study by Andrew P. Wheeler and Scott W. Phillips referenced at paragraph**

**56 and n.7 of the Complaint, including all communications, data, and Documents and Communications shared with the study authors and/or their staff and interns.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 35: All Documents and Communications relating to BPD policies, procedures, protocols, directives, forms, guidelines, standards, rules, regulations, orders, training materials or instructions relating to Checkpoints, including but not limited to, deciding where and when to conduct a Checkpoint, conducting initial and secondary stops, performing searches, issuing Traffic Tickets, making misdemeanor and felony arrests, and/or towing or impounding cars at Checkpoints.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000969, COB000985-COB001347, COB001962-COB003602, and COB003842-COB3850, on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 36:** All Documents and Communications relating to BPD policies, procedures, protocols, directives, forms, guidelines, standards, rules, regulations, orders, training materials or instructions relating to enforcing the Vehicle and Traffic Law, including but not limited to conducting traffic stops, performing searches of vehicles, issuing Traffic Tickets, making misdemeanor and felony arrests following traffic stops, and/or towing or impounding vehicles following traffic stops.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000984, COB000985-COB001347, COB001962-COB003602, and COB003842-COB3850, on the enclosed compact disk as well as those possibly in the possession of the Police Academy at the Police Training Academy operated by Erie County's Central Police Services at Erie Community College North



Campus, which may be responsive to this request, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 37: All Documents and Communications relating to BPD policies, practices, directives, forms, guidelines, standards, rules, regulations, orders, training materials or instructions relating to the use of Automatic License Plate Readers and storage of ALPR data.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000984, COB000985-COB001347, COB001962-COB003602, and COB003842-COB3850, on the enclosed compact disk as well as those possibly in the possession of the Police Academy at the Police Training Academy operated by Erie County's Central Police Services at Erie Community College North Campus, which may be responsive to this request, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 38: All Documents and Communications relating to BPD policies, procedures, protocols, directives, forms, guidelines, standards, rules, regulations, orders, training materials or instructions relating to compliance with the**

**Fourth and Fourteenth Amendment of the United States Constitution, including the rights to due process and equal protection.**

**OBJECTION:** The City objects to this request insofar as it is argumentative, overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000984, COB000985-COB001347, COB001962-COB003602, and COB003842-COB3850, on the enclosed compact disk as well as those possibly in the possession of the Police Academy at the Police Training Academy operated by Erie County's Central Police Services at Erie Community College North Campus, which may be responsive to this request, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 39: All Documents and Communications relating to BPD policies, procedures, protocols, directives, forms, guidelines, standards, rules, regulations, orders, training materials or instructions relating to racial profiling, biased policing, and/or the use of race in law enforcement decision-making.**

**OBJECTION:** The City objects to this request insofar as it is argumentative, overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000984, COB000985-COB001347, COB001962-COB003602, and COB003842-COB3850, on the enclosed compact disk as well as those possibly in the possession of the Police Academy at the Police Training Academy operated by Erie County's Central Police Services at Erie Community College North Campus, which may be responsive to this request, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 40:** All Documents and Communications relating to BPD policies, procedures, protocols, directives, forms, guidelines, standards, rules, regulations, orders, training materials or instructions relating to supervisory review of the traffic enforcement activities, including, but not limited to, Checkpoints, traffic stops, traffic tickets, and traffic misdemeanor arrests, conducted by BPD officers.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB000001-COB000984, COB000985-COB001347, COB001962-COB003602, and COB003842-COB3850, on the enclosed compact disk as well as those possibly in the possession of the Police Academy at the Police Training Academy

operated by Erie County's Central Police Services at Erie Community College North Campus, which may be responsive to this request, and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 41:** All Documents and Communications relating to any comments, complaints, grievances, or concerns You received verbally or in writing about any Checkpoint established by the Strike Force or Housing Unit.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is not aware of any responsive documents at this time.

**REQUEST NO. 42:** All Documents and Communications relating to any comments, complaints, grievances, or concerns You received verbally or in writing related to alleged racial profiling, bias or discrimination by the BPD.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege,

the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 43:** All Documents and Communications relating to any comments, complaints, grievances, or concerns You received verbally or in writing related to BPD traffic stops, traffic ticketing, and/or other traffic enforcement practices.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003639-COB003841 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 44:** All Documents and Communications relating to any comments, complaints, grievances, or concerns You received verbally or in writing about traffic safety, including but not limited to requests from the public for increased traffic enforcement.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by Civil Rights Law §50-a, the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003639-COB003841 on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 45:** All Documents and Communications relating to any analysis, evaluation, review, recording, or study of Checkpoints, including the race, ethnicity, national origin or other demographic data of individuals who drove through and/or were stopped at Checkpoints and the extent to which such Checkpoints enhanced or detracted from traffic safety.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is not aware of any responsive documents or communications at this time.

**REQUEST NO. 46: All Documents and Communications relating to the September 18, 2018 report provided by the Buffalo Police Advisory Board to the Buffalo Common Council Police Oversight Committee.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, and/or the law enforcement privilege. The City also objects that the term “report” is vague, subject to multiple meetings, and does not describe the documents sought with reasonable particularity.

**RESPONSE:** Without waiving any general or specific objections, the City is aware of the documents bates numbered COB003909--COB004326, on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

**REQUEST NO. 47: Documents and Communications sufficient to show all federal financial assistance received by the Buffalo Police Department.**

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**REQUEST NO. 48:** All Documents and Communications concerning the defenses asserted in Defendants' Answer, including Documents and Communications that support or refute the defenses.

**OBJECTION:** The City objects to this request insofar as it is overly broad, burdensome, vague, is not likely to result in the production of admissible evidence, and seeks information protected by the deliberative process privilege, the law enforcement privilege, the attorney-client privilege, and/or attorney work-product privileges.

**REQUEST NO. 49:** All Documents identified in response to Plaintiff Black Love Resists' First Set of Interrogatories to Defendant City of Buffalo, N.Y.

**OBJECTION:** The City objects to this request insofar as it is requests documents not in the custody or control of the City.

**RESPONSE:** Without waiving any general or specific objections and to the extent that the request is understood, the City is aware of the documents bates numbered COB000001-COB004326, on the enclosed compact disk and will supplement this request if and when additional documents or communications are located.

Dated: March 15, 2019  
Buffalo, New York

TIMOTHY A. BALL, ESQ.  
Corporation Counsel

/s/Robert E. Quinn  
By: Robert E. Quinn  
65 Niagara Square - 1103 City Hall  
Buffalo, NY 14202  
Tel.: (716) 851-4326  
[rquinn@ch.ci.buffalo.ny.us](mailto:rquinn@ch.ci.buffalo.ny.us)



TO: NCLEJ  
Attn.: Claudia Wilner, Esq.  
275 Seventh Avenue, Suite 1506  
New York, NY 10001  
[wilner@nclej.org](mailto:wilner@nclej.org)

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST, et al.

Plaintiffs,

-vs-

CITY OF BUFFALO, et al.

Defendants.

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CERTIFICATE OF SERVICE

Civil Action No.: 18-cv-719

I, Robert E. Quinn, hereby certify that on March 15, 2018, the annexed document was electronically served on Counsel for the Plaintiffs in this case:

Claudia Wilner, Esq.  
NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE  
275 Seventh Avenue, Suite 1506  
New York, NY 10001  
wilner@nclej.org

I certify under penalty of perjury that the foregoing is true and correct.

Dated: March 15, 2019  
Buffalo, New York

TIMOTHY A. BALL, ESQ.  
Corporation Counsel

/s/Robert E. Quinn  
By: Robert E. Quinn  
65 Niagara Square - 1103 City Hall  
Buffalo, NY 14202  
Tel.: (716) 851-4326  
[rquinn@ch.ci.buffalo.ny.us](mailto:rquinn@ch.ci.buffalo.ny.us)